IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 12TH JUNE 2007 / 22ND JYAISHTA 1929

WP(C).No. 32379 of 2006(D)

PETITIONER:

MINI SUBHASH, AGED 42, W/O. SUBHASH,
POONGOTUVEETTIL HOUSE, THOZHIYUR P.O.,
THRISSUR DISTRICT.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:
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1. POOKODE GRAMA PANCHAYATH,
P.O.KOTTAPADY, THRISSUR DISTRICT.

2. KERALA STATE POLLUTION CONTROL BOARD,
DISTRICT OFFICE, THRISSUR, REP. BY ITS
ENVIRONMENTAL ENGINEER, SAKTHINAGAR,
POONKUNNAM, THRISSUR.

3. STATE OF KERALA, REP. BY THE
SECRETARY TO THE GOVERNMENT,
LOCAL SELF ADMINISTRATION DEPARTMENT,
THIRUVANANTHAPURAM.

ADDL. R4 IMPLEADED.

4. SHAFEEQUE,
S/O. ABOOBACKER, POOKOTTY VILLAGE,
THOZHIYUR DESOM, THRISSUR.

ADDL. R4 IMPLEADED AS PER ORDER IN I.A. 17192/06 DATED 8.12.06.

R1 BY ADV. SRI.SOJAN MICHEAL
R2 BY ADV. SRI. M.K. CHANDRAMOHAN DAS.
R3 BY GOVT. PLEADER SRI. K.J. MOHAMMED ANZAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.32379 of 2006

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Dated this the 12th day of June, 2007

JUDGMENT

Petitioner challenges the decision of the Panchayat to close down the piggery run by her. According to her, she is conducting the piggery in about 94 cents of land acquired under Ext.P1. It is her case that there are adequate number of sheds for the piggery. There is also water treatment facility and storage facility in the piggery. The petitioner was also having a license issued by the first respondent Panchayat, it is stated. According to her one Sri.Shafeeque, who had animosity towards her on account of registering of a crime against him, had filed complaints. Ext.P3 is the notice issued by the Panchayat. Pollution Control Board has issued Ext.P4 asking the petitioner to comply with Ext.P3 order. According to the petitioner, she made Ext.P5 application before the Panchayat.

2. According to the first respondent the husband of the petitioner is conducting the piggery without license. It is stated that there are complaints regarding the functioning of the piggery farm by

one Sri.Subash, who is none other than the husband of the petitioner and the Health Inspector conducted an inspection and submitted a report. It is stated that the piggery farm is being conducted without following the mandatory safety precautions and necessary facilities. Ext.R1(a) is the report. It is stated that the conduct of the farm by Sri.Subash is in flagrant violation of the provisions of Kerala Panchayat Raj (Licensing of Pigs and Dogs) Rules, 1998. It is stated that Ext.P5 is an undated document.

In such circumstances, I see no ground to interfere with Exts. P3 and P4. The only direction that can be given is that if petitioner has filed Ext.P5, a decision will be taken thereon in accordance with law. Otherwise, it is open to the petitioner, if so advised, to file an application before the first respondent seeking license and appropriate decision will be taken thereon in accordance with law.

The writ petition is disposed of as above.

(K.M. JOSEPH, JUDGE)

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